

REMARKS

The Office Action of February 13, 2008 has been reviewed and these remarks are responsive thereto. Claims 38, 52, and 74 have been amended and claims 50, 51, 72, and 75 have been cancelled without prejudice or disclaimer. New claims 76-87 have been added. Upon entry of this Amendment, claims 38-42, 44-49, 52-61, 64-71, 74 and 76-88 will be pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

Rejections Under 35 U.S.C. § 102

Claims 38, 39, 42 and 44-48 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. Patent No. GB22345069 to Skottowe (“Skottowe”). Applicant respectfully traverses this rejection.

Amended claim 38 recites, among other features, a modular structure having units being configured and aligned to form a modular structure in a first configuration, the first configuration including a central unit and a plurality of outer units, each outer unit being removably connected to the central unit and protruding from the central unit, wherein at least two of the outer units are substantially perpendicular to each other. Applicant respectfully asserts that Skottowe fails to teach or suggest the features of claim 38.

Skottowe describes a modular structure having a plurality of walls and roof parts connected together by quick release devices. *See* Abstract. As shown throughout the figures of Skottowe, the structure is created by a plurality of flat wall panels or roof panels connected to each other. Although the panels may be connected at various angles, there is no teaching or suggestion in Skottowe of a modular structure having a central unit and a plurality of outer units protruding from the central unit, two of the outer units being substantially perpendicular to each other, as recited in claim 38 and shown at least in Applicant’s Figure 10.

Further, claim 38 recites, among other features, armored panels formed of a single piece and forming at least a portion of the interior and exterior surface of the modular structure and frame portions secured to at least one of the armored panels. Applicant respectfully asserts that

Skottowe fails to teach or suggest armored panels formed of a single piece. Accordingly, Applicant respectfully asserts that claim 38 is patentably distinct from the cited reference.

Claims 39, 42 and 44-48 depend from claim 38 and are allowable for at least the same reasons as discussed above with respect to claim 38. Accordingly, Applicant respectfully requests withdrawal of these rejections.

Claim Rejections Under 35 U.S.C. § 103

Claims 38, 40, 41, 49, 52, 54, 55, 58, 59, 64, 67, 68, 71, 74 and 75 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,351,558 to Mueller (hereinafter “Mueller”) in view of U.S. Patent No. 7,210,707 to Schroth (hereinafter “Schroth”) and further in view of U.S. Patent No. 5,971,177 to Carter (hereinafter “Carter”). Applicant respectfully traverses these rejections.

As discussed above, claim 38 recites, among other features, units in a first configuration including a central unit and a plurality of outer units, the outer units removably connected to the central unit and protruding from the central unit, wherein at least two of the outer units are substantially perpendicular to each other. Applicant respectfully asserts that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests the features of claim 38.

Mueller describes an armored truck having a truck body with interior walls which are aligned and secured in a parallel relation with complementary armor plates. *See* Abstract. There is no teaching or suggestion in Mueller of a modular structure having a central unit and a plurality of outer units protruding from the central unit, as recited in claim 38. The addition of Schroth and Carter fail to cure the deficiencies of Mueller with respect to claim 38.

Further, claim 38 recites, among other features, abutting armored panels formed of a single piece and forming at least a portion of an interior surface of the modular structure and an exterior surface of the modular structure having no void between the interior surface and exterior surface. Applicant respectfully asserts that none of Mueller, Schroth and Carter, alone or in combination, teaches or suggests these features.

The panels of Mueller include two layers, a wall and an armored plate attached to the wall. The Office asserts that the fact that “Mueller discloses the panel additionally comprising a composite armor panel is irrelevant.” *See* the Final Office Action at p. 3. Applicants respectfully disagree. The additional panel of Mueller teaches away from the abutting armored panels being formed of a single piece and forming at least a portion of an interior and exterior surface of the modular structure, as recited in the claims, because the additional panel prevents the panel of Mueller from forming both surfaces. Accordingly, Mueller fails to teach or suggest the features of claim 38. The addition of Schroth and Carter fails to cure the deficiencies of Mueller with respect to claim 38.

Accordingly, Applicant respectfully asserts that claim 38, as well as claims 40, 41 and 49 that depend therefrom, are allowable over the cited combination of references.

Independent claim 52 has been amended to recite language similar to claim 38. For instance, claim 52 recites, among other features, a modular structure including a first unit and a plurality of second units, the second units being connected to the first unit and protruding from the first unit, wherein at least two of the second units are substantially perpendicular to each other. Applicant respectfully asserts that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests the features of claim 52.

The truck panels of Mueller are configured to form a structure atop a truck bed. There is no teaching or suggestion in Mueller of a first unit and a plurality of second units protruding from the first unit, wherein at least two of the second units are substantially perpendicular, as recited in claim 52. The addition of Schroth and Carter fails to cure the deficiencies of Mueller with respect to claim 52. Accordingly, Applicants respectfully assert that claim 52, as well as claims 54, 55, 58, and 59 that depend therefrom, are patentably distinct from the cited combination of references.

Claim 61 has not been explicitly rejected in the Office Action. However, Applicant respectfully asserts that, because claim 61 depends from claim 52 it is allowable for at least the same reasons as its base claim.

Independent claim 74 has been amended to recited language similar to claim 38. For instance, claim 74 recites, among other features, first, second and third modular sections, wherein the first modular section is a center unit and the second and third modular sections are removably connected to the center unit and protrude outward from the center unit, the second and third sections being substantially perpendicular to each other. For at least the reasons discussed above, Applicant respectfully asserts that none of Mueller, Schroth or Carter, alone or in combination, teaches or suggests the features of claim 74.

Further, claim 74 recites, among other features, the first, second and third frame extending around the exterior of the respective shell. Applicants respectfully assert that none of the cited references, alone or in combination, teaches or suggests a frame on the exterior surface, as recited in claim 74. Accordingly, Applicant respectfully asserts that claim 74, as well as claims 64, 67, 68, and 71, that depend therefrom, are allowable.

Claims 38, 39, 42, 46, 47, 52, 53, 56, 57, 60, 65, 66, 69, 70 and 72-74 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,076,328 to Danhof et al. (hereinafter “Danhof”) in view of U.S. Patent No. 6,250,022 to Paz et al. (hereinafter “Paz”). Applicant respectfully traverses these rejections.

As discussed above, claim 38 recites, among other features, a modular structure having units being configured and aligned to form a modular structure in a first configuration, the first configuration including a central unit and a plurality of outer units, each outer unit being removably connected to the central unit and protruding from the central unit, wherein at least two of the outer units are substantially perpendicular to each other. Neither Danhof nor Paz teaches or suggests a modular structure with a central unit and a plurality of outer units protruding from the central unit, wherein at least two of the outer units are substantially perpendicular. Accordingly, Applicant respectfully asserts that claim 38, as well as claims 39, 42, 46 and 47 that depend therefrom, are allowable.

Claims 52 and 74 recite language similar to claim 38 and are allowable for at least the same reasons discussed above with respect to claim 38. Further, claim 74 recites, among other features, frame portions being secured to at least one of the armored panels and extending around

an exterior surface of the armored panels. Even assuming, without conceding, that both Danhof and Paz describe a structure having a frame, neither reference teaches or suggests a frame extending around an exterior surface of an armored panel.

Applicant respectfully asserts that claims 52 and 74, as well as claims 53, 56, 57, 60, 65, 66, 69, and 70 that depend therefrom, are allowable for at least the reasons discussed above. Accordingly, Applicant respectfully requests withdrawal of these rejections.

New Claims

New claims 76-87 have been added. Claims 76-79 that depend from claim 38, claims 80-84 that depend from claim 52 and claims 85-87 that depend from claim 74 are allowable for at least the same reasons as their base claims, and further in view of the additional novel features recited therein.

For instance, claims 76, 83, and 87 recite, among other features, wherein the modular structure is cross shaped. Applicant respectfully asserts that none of the cited references, alone or in combination, teaches or suggests a modular structure that is cross shaped. Accordingly, Applicants respectfully assert that claims 76, 83, and 87 are allowable.

Claims 77, 81, and 85 recite, among other features, wherein the center unit is a command center. Applicants respectfully assert that there is no teaching or suggestion of a center unit, let alone a center unit that is a command center, in any of the cited references. Accordingly, Applicants respectfully assert that claims 77, 81, and 85 are allowable.

CONCLUSION

Applicant hereby requests a one-month extension of time. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,

BANNER & WITCOFF, LTD.

Dated: May 13, 2008

By: /Elizabeth A. Almeter/
Elizabeth A. Almeter
Registration No. 57,019

1100 13th Street, N.W.
Suite 1200
Washington, D.C. 20005
Tel: (202) 824-3000
Fax: (202) 824-3001
EAA:jab